

REMARKS

Claims 1-11 are pending. Applicant notes with appreciation the Examiner's indication that Claims 6-11 contain allowable subject matter. Claims 1-5 were rejected under 35 U.S.C. 102(b) as being anticipated by Hoshino (U.S. Patent No. 5,222,706). In response, Applicant has amended Claim 1 and respectfully submits that, in light of the amendment, the rejection should be withdrawn. Claims 12-20 were the subject of a restriction requirement and are canceled.

CLAIMS 1-5

As set forth below, Applicant has amended Claim 1 to clarify the limitations of that claim, and this amendment is incorporated into dependent Claims 2-5. Applicant respectfully submits that Claim 1, as amended, is not anticipated by Hoshino. Accordingly, Applicant respectfully requests that the rejections of Claims 1-5 be withdrawn in light of the amendment of Claim 1.

In the Office Action, the Examiner indicated that Claims 1 and 4 did not sufficiently define structure for the pin mounting portion of each pivot mechanism. Applicant has amended Claim 1 to clarify that each pin mounting portion defines "a sleeve for receiving a pin inserted therethrough, the open surface being between the pin mounting portion and the tubular frame member,". Applicant respectfully submits that these limitations are not disclosed, taught, or suggested in any way by Hoshino. Accordingly, Applicant respectfully submits that Claims 1-5 are not anticipated by Hoshino.

Hoshino is directed generally to a pipe-type modular wiper apparatus 1. (Fig. 1.) Hoshino discloses a connecting structure and method for fastening a bracket 3 to a pipe member 6. (Col. 3, lines 7-13.) Essentially, Hoshino discloses using a bolt 13 in conjunction with a pipe fitting groove 3c and pipe nut 15 to connect the bracket 3 and pipe member 6. (Fig. 2.) Hoshino is directed to providing a new manner of connecting the bracket 3 and pipe member 6, *i.e.*, the pipe member 6 is fitted within the pipe fitting

groove 3c after the pipe nut 15 has already been inserted into the pipe member 6, but prior to the insertion of the bolt 13. (Col. 4, lines 13-18.) The pipe member 6 is deeply received in the pipe fitting groove 3c so as to prevent separation of the pipe member 6 from the pipe fitting groove 3c. (Col. 4, lines 18-27.)

Hoshino does not disclose a pin mounting structure defining a sleeve for receiving a pin therethrough. Hoshino is directed to a connecting structure between bracket and pipe member; it is not directed to a structure that includes a mounting portion for receiving a pin. Because it is not directed to such a structure, it does not disclose a sleeve structure, as recited in amended Claim 1. Further, it does not disclose the claimed structural relationship of the pin mounting structure to other parts of the pivot mechanism. Accordingly, Hoshino does not anticipate Claims 1-5 and the rejection should be withdrawn.

CLAIMS 6-11

The Examiner rejected Claims 6-11 under 35 U.S.C. 112, second paragraph, as being indefinite. More specifically, the Examiner stated that there was no antecedent basis for "said clamp assembly." The Examiner further stated, however, that Claims 6-11 would be allowable if rewritten to overcome the indefiniteness rejection and to include all of the limitations of the base claim and any intervening claims.

Applicant has rewritten Claims 6-11 in the manner suggested by the Examiner. More specifically, Applicant has replaced "said clamp assembly" with "said retaining assembly" in Claims 6 and 7 to provide antecedent basis. In addition, Applicant has rewritten Claim 6 in independent form including the limitations of base Claim 1 and intervening Claim 2. Accordingly, Applicant respectfully requests that the indefiniteness rejection be withdrawn.

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CONCLUSION

Based on the foregoing, Applicant respectfully requests reconsideration and allowance of Claims 1-11. The Commissioner is hereby authorized to charge any additional fees which may be required in this application to Deposit Account No. 06-1135.

Respectfully submitted,
FITCH, EVEN, TABIN & FLANNERY

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